

### **Remarks**

In response to the non-final Office Action mailed May 5, 2005, the Applicants respectfully request reconsideration of the rejections and that the case pass to issue in light of the amendments above and the remarks below. By this paper, the Applicants have respectfully requested amending claims 1 and 12, such that claims 1-20 are currently pending.

Claims 1 and 12 have been amended to include limitations generally directed to assigning a level indicator to an operational definition, selecting different analysis techniques as a function of the assigned level indicator, and analyzing the operational definition based on the selected analysis techniques.

Claims 1-20 are rejected under 35 U.S.C. § 102(e) as being unpatentable over USPN 6,631,305 to Newmark (hereinafter the Newmark patent).

#### **Rejection of Claims 1-20 Under 35 U.S.C. § 102(e) Over the Newmark Patent**

This rejection applies to independent claims 1 and 12. The Applicants respectfully request amending each of these independent claims and assert that the rejections under this section are obviated in light of those amendments. In more detail, the Newmark patent fails to teach assigning a level indicator to an operational definition, selecting different analysis techniques as a function of the assigned level indicator and analyzing an operational definition based on the selected analysis techniques.

The method described by the Newmark patent collects data and analyzes the collected data according to fixed mathematical algorithms. The fixed algorithm does not change as a function of the data inputted thereto. In contrast, the Applicants claim a method of analyzing data as function of the data inputted thereto, i.e., by assigning a level indicator to the data, selecting analysis techniques based on the level indicator, and analyzing the data according to the selected analysis techniques. The Applicants analysis is variable based on the

input and the Newmark analysis is not. Accordingly, the Newmark patent cannot disclose each limitation recited in independent claims 1 and 12.

For the foregoing reasons, independent claim 1 and 12, and dependent claims 2-11 and 13-20, which depend therefrom and include all the limitations thereof, are dependent and nonobvious over the cited references.

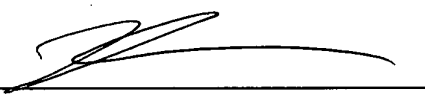
The Applicants further submit that dependent claims 7-11 and 17-20 are separately patentable for including limitations to a computer-implement method of guiding a user through the analysis technique selection process. The Newmark patent makes no mention of a computer providing the guiding framework for assisting a user in determining which techniques to use. Accordingly, dependent claims 7-11 and 17-20 are separately patentable and nonobvious over the cited references.

**Conclusion**

In view of the foregoing, the Applicants respectfully submit that each rejection has been fully replied to and traversed and that the case is in condition to pass to issue. The Examiner is kindly thanked for suggesting the foregoing claims amendments and is invited to contact the undersigned if further discussions will facilitate passing this case to issue.

Respectfully submitted,  
**Evelitsa Schweizerhof**

By

  
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John R. Buser  
Reg. No. 51,517  
Attorney/Agent for Applicant

Date: 6-28-05

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351